

FILED

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

JUN 13 2007

CLERK  
U.S. DISTRICT COURT  
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA )

v. )

TAVORIS LEKEITH PENNINGTON )

CR. NO. 2:07cr118-MEF

[18 USC 924(c)(1)(A);

21 USC 841(a)(1)]

INDICTMENT

The Grand Jury charges:

COUNT 1

On or about the 8<sup>th</sup> day of May, 2006, in Georgiana, Alabama, within the Middle District of Alabama,

TAVORIS LEKEITH PENNINGTON,

defendant herein, knowingly and intentionally possessed with intent to distribute approximately 45.38 grams of marijuana, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 2

On or about the 8<sup>th</sup> day of May, 2006, in Georgiana, Alabama, within the Middle District of Alabama,

TAVORIS LEKEITH PENNINGTON,

defendant herein, did knowingly and intentionally possess with intent to distribute cocaine base, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 3

On or about the 8<sup>th</sup> day of May, 2006, in Georgiana, Alabama, within the Middle District of Alabama,

TAVORIS LEKEITH PENNINGTON,

defendant herein, knowingly used and carried a firearm, during and in relation to and possessed said firearm in furtherance of a drug trafficking offense for which he may be prosecuted in a Court of the United States as charged in Count 1 and Count 2 herein, in violation of Title 18, United States Code, Section 924(c)(1)(A).

FORFEITURE ALLEGATION

A. Counts 1 through 3 of this indictment are hereby repeated and incorporated herein by reference.

B. Upon conviction for the violation of Title 18, United States Code, Section 924(c)(1), as alleged in Count 3 of this indictment the defendant,

TAVORIS LEKEITH PENNINGTON,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924, and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of this offense including, but not limited to, the following:

One Smith & Wesson, Model 10-5, .38 caliber revolver.

C. If any of the property described in this forfeiture allegation, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred, sold to, or deposited with a third person;

(3) has been placed beyond the jurisdiction of the court;

(4) has been substantially diminished in value; or,

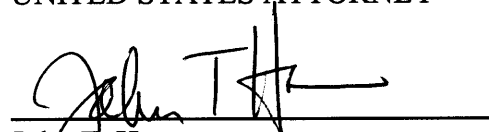
(5) has been commingled with other property which cannot be divided without difficulty; the United States, pursuant to Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c), intends to seek an order of this Court forfeiting any other property of said defendant up to the value of the forfeitable property.


All in violation of Title 18, United States Code, Section 924.

A TRUE BILL:

  
Foreperson

  
LEURA G. CANARY  
UNITED STATES ATTORNEY

  
John T. Harmon  
Assistant United States Attorney

  
Kent B. Brunson  
Assistant United States Attorney